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ABSTRACT

The paper examines the controversy over an appropriate philosophical basis for law and assesses attitudes about decriminalization of various behaviors based upon conviction about the function and objectives of the legal system. On one side of the controversy, proponents with a traditional view maintain that there is a strong connection between law and morality; for example, the view is expressed in the Declaration of Independence. Proponents of the second view, sometimes called zero-based morality, believe that law should be based on a limited contract between society and government. To assess the strength of popular support for a zero-base morality, researchers analyzed responses from surveys undertaken by the National Opinion Research Center from 1972-1977 regarding decriminalization of marijuana and abortion, pornography for adults, and support for the rights of homosexuals to teach college. It was hypothesized that support for zero-base morality regarding these behaviors would be stronger among groups who do not share Anglo-Protestant traditions, and that support for decriminalization of various behaviors would be highly intercorrelated. Analysis of data indicated that there is considerable intercorrelation of decriminalization of these behaviors but that, contrary to expectations, this support tends to come from powerful, wealthy, educated, and high status occupation groups in society. The conclusion is that there is considerable support for decriminalization of the behaviors analyzed and that this support comes mainly from individuals espousing zero-base morality as a basis for the legal system. (DB)

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Traditional Versus Zero-Base Morality as a Basis for Law

by
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Traditional Versus Zero-Base Morality as a Basis for Law

Since the rise of the nation-state in the late eighteenth century, a controversy has raged among Western legal scholars concerning the appropriate base for law and the legal system. Briefly, the two sides to this controversy consist of those who see a strong connection between law and morality, and those who believe that such a connection is unnecessary, or even inadvisable.

Proponents of the first view go back to Plato and Aristotle (Hart, 1961: 182), and contend that law must rest on certain clear moral principles. Such a moral code is often presumed to be so basic, so all-prevading, that it is assumed to transcend time and place -- to be discernable to people of good will in all times and places. This is the concept of "natural law" -- rules of conduct which are imbedded in the very nature of humanity and the universe. Thus the signers of the United States Declaration of Independence saw the right to "separate and equal station" as an independent nation to be an entitlement under "the Laws of Nature and Nature's God," that is, "natural law." Further, they considered certain "truths to be self-evident," namely, "that all men are created equal, that they are endowed by their Creator with certain inalienable rights...." These founders of the American system of government expressed three elements of the concept of natural law:

a) The tenets of Natural Law are presumed to be discernible to every man ("We hold these truths to be self-evident...");

b) They are presumed to be immutable -- they cannot be changed or altered by human society ("inalienable rights");

c) They are derived from a Higher Source ("Nature and Nature's God").

Thus "Natural Law" refers to a Morality imposed upon humanity by a Higher Order of Beings (God, or perhaps the Universe), which is immutable and from which human laws must be derived. The trials held in Germany following the Second World War were premised upon such an assumption of Natural Law: that there was a traditional moral code, binding upon all humanity, which had been breached, even though the Nazi regime had held these acts to be legitimate (Hart, 1961: 204).

This Natural Law concept first came under critical attack from the "Social Contract" theorists of the late eighteenth and early nineteenth centuries -- men such as John Stuart Mill and Jeremy Bentham. In their view, law was based, not upon a set of immutable moral principles which could be discerned by the rational mind, but upon an agreement or contract established between the members of a society and the government they create. In their view, laws are those rules which the citizens agree to allow the government to enforce. These rules should be minimal in number, and should concern only matters which are absolutely necessary for the smooth operation of social life. To quote Mill:

> The principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their members is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant... (John Stuart Mill "On Liberty" quoted in Morris & Hawkins, 1970: 4).

In recent years the concept of a logically discernable natural law has come under increasing attack, and support for the social contract approach

has grown. One reason for this is perhaps found in the fact that the staunch religious faith of our Founding Fathers has waned through the years, such that many Americans no longer accept the basic premise of either a Person or a Force Who or Which imposes rules upon the universe and its inhabitants. The growth of information about other cultures with their highly variant moral patterns has also contributed to the demise of Natural Law theory. When other cultures are found to accept behavior patterns grossly different from those of the Western World, the notion of a universally discernible moral code must necessarily come into question.

But perhaps the most compelling reason for the trend away from the theory of Natural Law is the pluralistic character of the modern nation-state. Where citizens who must observe and enforce the law come from widely varying social classes, regions of the country, or even, as with the United States, from other courntries of origin with widely disparate cultural traditions, it is difficult to identify a common moral base which all share. As both Gordon (1964) and Greeley (1971) have shown, one of the consequences of ethnicity in American society is the likelihood of dispute over basic value positions. Where agreement over basic values is lacking, society is beset by constant squabbles over what is or is not moral. If the law rests on these shaky moral underpinnings, then disputes over what should constitute law should also proliferate.

Under such conditions, a strong pressure to move away from traditional morality as the basis for law is to be expected. Some areas of major agreement may remain -- "Everyone will agree that murder is immoral and ought to be punished" (Chambliss and Seidman, 1971: 71). But much less agreement, and sometimes violent disagreement, occurs with regard to such acts as drunkenness, drug use, abortion, sexual conduct, or gambling (Morris & Hawkins,

1970: 6-25).

As a result, many legal scholars have moved away from the search for law on the basis of traditional morality. What they propose instead varies from one jurist to another. The Positivists, for example, try to establish law independent of a moral system (Chambliss and Seidman, 1971: 50). Law exists independent of anything else, and need not be based on anything. Other jurists, however, have attempted to establish a new base on which law may rest -- a cultural anchor for law which will relate it to the social whole without reference to the notion of a higher moral order which is implicit in traditonal Natural Law conceptions.

In place of this higher order of morality has come an alternative base on which law might be built. This too has been termed "Natural Law," but it has a curious new meaning, quite different from that of the Natural Law of the Eighteenth Century. Lon Fuller defines this alternative "Natural Law" by distinguishing between two moralities. The morality of aspiration is the type of moral base which guided the framers of the Declaration of Independence. "It is the morality of the Good Life, of excellence, of the fullest realization of human powers (Fuller, 1969:5)." It proposes "a picture of the ideal of human existence (Fuller, 1969: 10)," a concept of human perfection towards which people ought to strive. It is best represented, Fuller contends, in the philosophy of the ancient Greeks.

In contrast, the morality of duty assumes no notion of human perfection. Rather it is based upon an assumption of extreme imperfection. "Where the morality of aspiration starts at the top of human achievement, the morality of duty starts at the bottom. It lays down the basic rules without which an ordered society is impossible..."(Fuller, 1969: 5). Rather than being derived from above -- the calling of humanity to its greater perfection--

the morality of duty is built up from below. It asks, in effect: What are the basest kinds of behaviors, which society simply cannot tolerate? How bad can human behavior become before it absolutely must be prohibited?

The morality of duty, as described by Fuller, appears strikingly similar to the concept of a "Zero-Base Budget" in accounting, under which an organization begins its budget negotiations from scratch, assuming no unit has a right to any funds but must justify even the amount expended the preceeding year.

With a Zero-Base Morality as the foundation for law, no tenet of the traditional moral code has automatic acceptance for inclusion in the legal code, but all must pass the test of whether they are essential to the welfare of society. Fuller claims that only a Zero-Base Morality (what he calls the morality of duty) is appropriate to the establishment of law. "There is no way by which the law can compel a man to live up to the excellences of which he is capable. For workable standards of judgment the law must turn to its blood cousin, the morality of duty (Fuller, 1969: 9)."

Of course, as Fuller (1969:27-30) points out, it is not at all easy to see where the morality of duty ends and the morality of aspiration begins. It is quite clear, however, that the morality of aspiration has been used as the basis for law in numerous societies, including our own. Any number of our laws are really derived from traditional moral standards calling people to aspire to a "higher life." The prohibition of alcohol, gambling, drug use, certain sexual activities between consenting adults, the limitation upon marriage within certain degrees of kinship — all are derived from traditional moral codes, and it would be difficult to argue that these are acts which are a serious threat to an orderly conduct of society.

While many current laws are based upon the morality of aspiration, modern society may actually be moving in the direction of a Zero-Base Morality. Major evidence for this appears in the frequent calls for the decriminalization of certain activities currently illegal. Morris and Hawkins, for example, list several acts which, they claim, should be removed from the criminal law and made matters of private conscience. They would limit the formal activities of the criminal law and the police to "...protect [ing] our persons and our property..." (Morris and Hawkins, 1970: 2). Even their terminology reminds one of Fuller's contrast between the morality of aspiration, where "...the criminal law invades the spheres of private morality..." (Morris and Hawkins, 1970:2); and the morality of duty, which assures that "...man has an inalienable right to go to hell in his own fashion, provided he does not directly injure the person or property of another on the way (Morris and Hawkins, 1970:2)."

Morris and Hawkins are more practical in their approach to a Zero-Base Morality than Fuller, however. While the latter's treatise is largely theoretical, the former are espousing a complex practical plan for the re-formulation of the criminal law. Various segments of the decriminalization approach which Morris and Hawkins espouse have engendered support from several other quarters as well: Kaplan (1970) with regard to marijuana; Gibbons (1975: 13) for the status offenses of youth; Skolnick (1968) and Schur (1965) for several offenses. Other writers, however, take equally firm positions to the contrary (Remington, 1968; Devlin, 1965).

The degree of political support such a plan could muster is questionable, since "...this type of law reform is distasteful to politicans and probably commands less than majority popular support (Morris and Hawkins, 1970: 2)."

This, however, is an empirical question -- Does the decriminalization of breaches of the moral law enjoy popular support? From whom? Who rejects the idea? And further, what would be the consequences of such a program? As Sykes (1978: 169) has stated with reference to sexual prohibitions, "Recommendations to liberalize the criminal law in this area frequently have as little scientific support as recommendations that our existing sexual prohibitions must be maintained at any cost."

The present paper attempts to provide empirical support or refutation for some of these issues. Data for the analysis were taken from the National Opinion Research Center (NORC) General Social Survey for the years 1972 through 1977. Several items were included in these surveys which might be used to begin to assess the degree of support for various decriminalization issues. However, all issues were not included every year; some issues were included in slightly altered format; and in some instances the format of the question did not specifically raise the issue of legality. For example, the measure supporting "decriminalization" of homosexuality actually asked whether the respondent thought homosexuals should be allowed to teach in a college; we considered it appropriate to assume the respondent was expressing opposition to laws limiting the freedom of homosexuals. Such problems, notwithstanding, we believe the data provide an appropriate mechanism for an initial effort towards the assessment of support for decriminalization. Discussion will center around five aspects of the controversy between traditional and Zero-Base Morality.

1) Is a Zero Base Morality the most appropriate basis for law?

This question might be answered on several levels. To date, it has been answered largely on either of two levels: the theoretical level, as one

theorist is pitted against another in terms of their relative preference for traditional or Zero-Base Morality; or the level of practical warning, as proponents of each position visualize the probable consequences of accepting the Zero-Base Morality or remaining with traditional morality as the basis for law. In the present paper we propose to raise the issue on an empirical level: What is the strength of popular support for a Zero-Base Morality as the basis for American law?

In order to do this, we shall test the strength of support for four tenets of the Zero-Base Morality recommendations. These include decriminalization of marijuana and abortion, the legal availability of pornography for adults, and support for the right of a homosexual to teach in a college.

Fuller, and Morris and Hawkins see the Zero-Base Morality as a solution to the pluralist character of complex society, and the lack of acceptance, on the part of many, of the traditional moral code on which the American society was founded. Assuming this founding moral code was Anglo-Protestantism (Gordon, 1964), one could develop hypothesis concerning the nature of support for the Zero-Base Morality, as measured by a desire to eliminate sex offenses, drunkenness, et cetera from the criminal code.

> Hypothesis: Support for a Zero Base Morality should be stronger among groups who do not share the Anglo-Protestant tradition on which the present legal system rests. These would include: The non-religious, who will object to the religious base of traditional morality; minority religious and ethnic groups (blacks, Jews), who presumably would oppose the present system since it does not assume their own personal moral tradition.

Alternatively, if Zero-Base Morality theorists are not correct, then support for a traditional moral base for law should be drawn from a broader spectrum

of American social groups.

As Table I indicates, the data provide some support for this hypothesis, but the picture is by no means a clear one. Turning first to the social class portion of the Table, we would expect that the upper classes, who have the greatest stake in the present system, would support the maintenance of the legal structure as it stands. It is clear, however, that the decriminalization issues enjoy more support among the upper and middle classes than they do among persons who identify as lower or working class. This is particularly true of the abortion issue, which shows a clear direct relationship between social class and support for legalization of abortion. Perhaps the lower classes are correct when they claim that abortion is a means of genocide. The legalization of marijuana is also supported more by the upper class than by other classes. With pornography and the rights of homosexuals, the picture is not clear, since there is little variation among the classes. Though differences are small, it is only with the pornography issue that lower classes are strong supporters of legalization. One might surmise that pornography may represent one of the enjoyments the lower class can afford. With social class, therefore, there is little support for the view that support for the present criminal prohibitions comes from the more powerful segments of society.

Turning to sex and race, we again find little support for the hypothesis. Though differences are small, males, who supposedly represent the Establishment, generally show a greater tendency to support decriminalization than females; this is even true of abortion which, one would suppose, might represent a means by which women might overthrow the male power structure. There is little difference between blacks and whites in their support of

decriminalization of marijuana or homosexual rights. And with abortion, whites are more likely to support decriminalization than blacks, again lending support to the charge of genocide, but giving little support to the hypothesis that the less powerful groups support decriminalization.

The first clear support for the hypothesis appears when we reach the section on religion. In this regard, we had predicted that the greatest support for decriminalization would come from among those religious groups whose values were not represented in the American founding values, i.e., persons of no religion or of religions other than the Protestant. As the table shows, the group least likely to support three of these issues (decriminalization of homosexuality, marijuana, and pornography) are the Protestants. On the abortion issues, their opposition is exceeded only by that of the Roman Catholics. On all issues, the greatest support for decriminalization alternates between the Jews and persons of no religion. Hence among religious groups, which are so close to the issues of morality, the hypothesis is validated that persons whose religious beliefs differ from those of the Protestant founders will support the use of a Zero-Base for law.

Delving further into the area of religion, one might combine the religious and power-related hypotheses, and predict that the most powerful Protestant religions would be more supportive of the status quo, with the smaller sects supporting change. As the table shows, this is not the case. Of the five major denominations listed, the most powerful and prestigeous group, the Episcopalian, was most supportive of decriminalization on all issues, with the Baptists and Methodists generally being more supportive of traditional morality as the base for law.

Turning to economic issues, again there is little support for the hypothesis. On three issues (abortion, marijuana, and homosexuality), the

Greatest opposition to decriminalization appears with operatives and farm laborers, persons who occupy non-power positions. Non-power occupations are high only in their support of legalized pornography, again the issue raised earlier with regard to the poor man's recreation. Perhaps the most interesting contrast of this section of the table appears with regard to the two groups of professionals. Divided on what appear to be rather arbitrary lines, there are clear differences of opinion between the two groups. Group "B", consisting mainly of teachers, writers and other artists, and a small group of technicians, is consistently more supportive of Zero-Base morality than group "A", madeup primarily of accountants, engineers, and health professionals. This difference is most striking with the rights of homosexuals, where almost 25 percentage points separate the two categories.

The most clear rejection of the hypothesis that the powerful support traditional morality in the law appears in the income section of the table. On all four issues, there is a nearly perfect direct relationship between income and support for a Zero-Base morality. Clearly, the strongest support for decriminalization comes from among the higher income groups. The lower the income group, the greater the support for traditional morality. On some issues, the very lowest group reverses this trend somewhat; this is especially true of pornography (the poor man's pleasure), where the lowest income group is most in favor of legalization.

The final measure of power position and support for decriminalization deals with education. Presumably the educated groups would have the greatest stake in the system and would, therefore, be most supportive of the traditional legal base, with the uneducated seeking to overthrow the system. Clearly this is not the case. College educated respondents were more likely to support

decriminalization than those with less education. Perhaps the most interesting fact, however, is the non-linear nature of the relationship. For the most supportive persons are not the very highest educated group (college graduates or post-graduates) but those who have finished Junior College.

In concluding our discussion of this hypothesis, we must conclude that the data are supportive in one sense but not supportive in others. Support for the traditional base for law is strongest among the representatives of the "founding groups" of American society only with respect to those dimensions which are closest to the actual moral base, namely, the religious groups. However, if we move into other social structural categories, such as economic or social class units, the degree of relation to the supposed power base is a poor predictor of support for traditional morality. In fact, these are the people most supportive of a Zero-Base Morality for law.

2) Can Zero-Base Morality be thought of as a single unit, or do the components vary independently? The theory appears to suggest that support for de-criminalization will assume a relatively wholistic pattern -- people who object to the traditional moral base of the criminal law will support elimination of all of these provisions from the moral code; those who support the moral code will wish to maintain the legal system intact.

> Hypothesis: Support for decriminalization of the various behaviors will be highly intercorrelated. Persons who wish to decriminalize one are likely to support decriminalization of several.

Alternatively, if the theory is not correct, and people are supporting a traditional morality as the basis for law, they are likely to exhibit selective support **decriminalization of behavior,** each group supporting retention of illegality for those acts which offend their sensibilities as developed within their own moral tradition.

As Table II indicates, this hypothesis is supported. The Pearson correlation coefficients between the variable pairs are all statistically significant at the 0.001 level. The highest coefficient (0.3436) is that relating decriminalization of homosexuality and marijuana; the second highest (0.2726) relates pornography and homosexuality. The lowest coefficient (0.1988) is that relating support for decriminalization of abortion and pornography, which may suggest that abortion represents a slightly different dimension. But the relationship is still strong. Thus we are forced to conclude that Zero-Base Morality tends to be a single dimension, with persons tending to support most or reject most, rather than dividing their support among the various components.

3) Where is the line of demarcation between matters of higher aspiration and the demands of Zero-Base Morality? As Fuller (1969:10) suggests, the location of the "pointer" dividing the two moralities from each other is by no means clear. If a Zero-Base Morality is to be accepted, what rules are to be defined as the "...obvious demands of social living (Fuller, 1969:9)," and which are best left to individual conscience? Here again the question may be answered on a theoretical level, as Zero-Base Morality theorists have attempted to do when they suggest the consequences of having the law include or exclude various types of behavior (Morris and Hawkins, 1970:5,6).

It may also be answered on an empirical level, relating to the type of behaviors mentioned by Zero-Base Morality theorists in their plea for decriminalization. The acts proposed for decriminalization cover a broad spectrum of behavior, from alcohol use to abortion (Morris and Hawkins, 1970:3). Does decriminalization of all of these acts enjoy equal support in the popu-

lation? Or are some more likely to be seen as appropriate targets for decriminalization than others? Those which most people would eliminate from the criminal code would be clearly in the "morality of aspiration" end of the morality scale. Those about which there is less agreement would be further down the scale, in the uncertain area where the morality of duty shades into the morality of aspiration.

Referring back to Table I, we note that the issue which enjoyed greatest support from the population as a whole was the legalization of pornography for adults, which was supported by 59.2 percent of the samples as a whole. Rights for homosexuals were next, supported by 49.7 percent. (However, the reader should recall that this question did not specifically relate to legalization, but only to the right to hold a specific job.) In third place was legal abortion, supported by 43.6 percent. Strangely, legalization of marijuana, which one might argue is a private matter and relatively harmless, was last, supported by only 22.1 percent of the samples as a whole. Interestingly, the three issues which enjoy greater support are all loosely related to individual sexual activity. Perhaps this is a reflexion of public concern that sexual issues should be private.

4) Where does the limitation on governmental power cease? Support for the Zero-Base Morality rests upon an assumption that the enforcement powers of the state should be drastically limited. It suggests that the power of the government should be involved only where matters of public safety are involved, and not to support patterns of activity which traditional moral codes have led us to value. However, as Marvin Fox (1977) has pointed out, in addition to the prohibition of victimless crimes, there are many patterns of action which traditional morality dictates and which governmental action enforces. The

rights of minorities, for example, are moral patterns vigorously enforced by government action. Since the Zero-Base Morality approach is essentially an attempt to place limits on governmental power, it would presumably wish to limit such power in other spheres as well. Thus Fox suggests that many of these valued principles would also be lost if our society were to move from a traditional base to a Zero-Base for our legal system. This leads to the final hypothesis:

> Hypothesis: Supporters of decriminalization will be likely to support limitation on governmental action in other spheres of activity as well, such as rights of minorities or accused persons.

The data available included only two variables which might be used to test this hypothesis, both concerned with interracial relations, and neither totally satisfactory. The first dealt with the desirability of laws prohibiting marriage between persons of different races. We would hypothesize that persons who favored decriminalization of abortion, marijuana, homosexuality, and pornography would also favor eliminating laws which ban marriage between persons of different groups. Accordingly, we developed a Decriminalization Index, which combines the scores for these four issues, and correlated it with opposition to such laws. As Table III shows, the hypothesis is validated. The Pearson R for the relationship is 0.38595, indicating that persons favoring decriminalization are also likely to favor elimination of laws against interracial marriage.

The second variable concerned the advisability of governmental control over the sale of property. Respondents were asked whether there should be laws requiring home owners to sell to blacks, or supporting the homeowner's right to choose the person to whom he wishes to sell. As the question was

worded, it dealt with a preference for one type of law versus another, and is not a clear test of the respondents' belief in non-regulation. However, since the two laws contrast personal liberty of the homeowners with requiring certain behavior on his part (i.e., to sell to certain persons), we hypothesize that a high support for Decriminalization will be correlated with a preference for laws allowing the owner to select his own buyer.

As Table III shows, the hypothesis was not validated. Rather, a strong tendency in the opposite direction appears. Pearson's R = 0.16141, indicating that supporters of Decriminalization are strong supporters of laws guaranteeing blacks the right to buy a home, even if that means restricting the rights of homeowners to sell. This suggests that support for decriminalization does not really represent a belief in limiting governmental action in general. Rather it represents a belief that governmental activities should be reordered. That is, governmental resources formerly given to the enforcement of criminal laws against such behaviors as drug use or sexual activity should be transferred to such issues as civil rights for minorities. As has been suggested earlier (Sengstock, 1974), people tend to be generally supportive of governmental action, but to vary a great deal in terms of the type of governmental action they support.

5) What are probable consequences for the society if the Zero-Base Morality were adopted? A fifth question remains. Morris and Hawkins suggest a number of desirable consequences which they believe would occur if many so-called "victimless crimes" were eliminated from the legal code. It has been suggested that decriminalization of many minor acts would encourage greater support for law (Phillips and Votey, 1977: 89-90). Since many people break these minor laws, and do so with impunity, this breeds a general

disrespect for law. The individual supposedly reasons that, if he can break laws with impunity in minor respects, then he may do so in major issues also. Unfortunately, no questions were included in the survey which might be used to analyze this issue. However we consider it important to state the hypothesis.

> Hypothesis: Persons who believe in decriminalization of victimless crimes will exhibit greater support for the more serious aspects of the criminal law.

Conclusion

The data we have examined suggest that there is considerable support for decriminalization of certain issues, particularly pornography for adults and job opportunities for homosexuals, with abortion third. Decriminalization of marijuana enjoys less support. There was little support for the hypothesis that the supposedly powerful groups in the society approve of the present legal system while the non-powerful groups oppose it. Instead, support for decriminalization tends to come from among the wealthy and the higher status occupations. However, there is some indication that the traditional American base for law, the Protestant religion, is still the source of its greatest support. Protestants, particularly the so-called fundamentalist groups, were most likely to oppose decriminalization, with Jews favoring it and Catholics in between. There is reason to believe that support for decriminalization does not indicate a general opposition to governmental action, but rather a concern for a reordering of governmental priorities.

TABLE I

Support for Decriminalization Issues by Selected Census Variables

	Allow Homosexuals to Teach College	Legalize Marijuana	Legalize Pornography for Adults	Allow Abortion if Woman Wants No More Children
Population Total	49.7%(6005)	22.1%(4484)	59.2%(4483)	43.6%(9098)
Self-Identified Social Class				
Lower	40.8%(223)	22.6 (164)	65.2 (164)	30.4 (398)
Working	47.6 (2476)	21.3 (1760)	58.5 (1761)	39.2 (3950)
Middle	54.0 (2373)	24.6 (1705)	59.2 (1706)	47.7 (3726)
Upper	50.3 (149)	28.2 (85)	64.7 (85)	61.5 (226)
Sex				
Male	51.1 (2746)	26.4 (2033)	66.5 (2034)	46.1 (4214)
Female	48.6 (3259)	18.6 (2451)	53.2 (2449)	41.4 (4884)
Race				
White	49.6 (5304)	22.0 (3983)	57.4 (3984)	44.5 (7966)
Black	50.0 (658)	23.6 (475)	74.2 (473)	36.4 (1080)
Other	62.8 (43)	19.2 (26)	65.4 (26)	42.3 (52)
Religion				
Protestant	43.6 (3844)	17.1 (2861)	55.8 (2859)	42.1 (5842)
R.Cath.	54.8 (1523)	23.9 (1137)	59.5 (1140)	35.1 (2297)
Jewish	80.3 (147)	38.0 (92)	76.1 (92)	81.7 (224)
Other	62.7 (75)	34.9 (63)	64.5 (62)	52.6 (116)
No Religion	75.2 (403)	53.3 (323)	83.0 (323)	73.7 (600)
Denomination (Prot. Only)				
Baptist	36.9 (1258)	14.1 (921)	57.0 (920)	33.7 (1889)
Methodist	43.7 (743)	15.7 (534)	53.5 (533)	46.0 (1148)
Lutheran	52.7 (476)	19.6 (367)	55.9 (367)	46.3 (753)
Presbyterian	55.6 (275)	21.3 (211)	59.2 (211)	57.4 (430)
Episcopalian	64.8 (165)	27.6 (134)	62.4 (133)	66.5 (242)
Other	37.0 (721)	14.7 (539)	51.8 (540)	34.3 (1088)
Non-Denom.	52.7 (203)	28.3 (152)	60.5 (152)	55.9 (286)

TABLE I (cont'd)

Support for Decriminalization Issues by Selected Census Variables

	Allow Homosexuals to Teach College	Legalize Marijuana	Legalize Pornography for Adults	Allow Abortion if Woman Wants No More Children
Occupation				
Professionals (A)*	49.1 (915)	24.7 (712)	58.3 (711)	42.4 (1390)
Professionals (B)*	73.2 (470)	37.2 (309)	67.1 (307)	58.5 (682)
Adm/Manag.	54.8 (792)	24.8 (617)	57.9 (618)	52.9 (1208)
Clerical	59.2 (1087)	20.3 (821)	56.1 (822)	47.1 (1640)
Crafts	45.4 (660)	23.4 (487)	62.6 (487)	43.7 (1027)
Operatives	35.9 (791)	15.0 (561)	58.6 (560)	33.3 (1167)
Labor	42.0 (371)	22.8 (250)	66.1 (251)	36.1 (562)
Farm	24.8 (149)	6.0 (116)	50.9 (116)	27.5 (233)
Service	44.2 (770)	19.5 (611)	58.6 (611)	38.4 (1189)
Income				
Under $1000	33.0 (106)	23.6 (89)	69.6 (89)	35.7 (140)
1000-2999	30.9 (369)	16.1 (305)	52.0 (304)	35.3 (467)
3000-3999	34.0 (321)	17.7 (254)	52.8 (254)	31.9 (405)
4000-4999	41.2 (262)	19.5 (215)	59.3 (214)	35.2 (332)
5000-5999	37.4 (278)	21.2 (231)	53.2 (231)	40.7 (349)
6000-6999	41.7 (254)	15.5 (193)	56.5 (193)	36.4 (327)
7000-7999	47.6 (309)	23.7 (215)	54.4 (215)	44.1 (367)
8000-9999	49.7 (493)	25.6 (398)	60.0 (400)	41.3 (625)
10000-14999	53.0 (1267)	19.6 (1000)	59.4 (1002)	45.3 (1613)
15000-19999	59.0 (808)	26.8 (579)	63.2 (579)	49.3 (1008)
20000-24999	62.4 (505)	29.8 (342)	66.7 (342)	55.7 (616)
25000 and over	68.4 (563)	28.1 (367)	64.1 (368)	61.2 (688)
Education				
Less than High School	31.0 (2135)	13.1 (1611)	52.3 (1609)	31.7 (3304)
High School Grad.	55.4 (2906)	22.9 (2174)	60.5 (2178)	46.5 (4398)
Jr. College	78.6 (103)	48.1 (77)	80.5 (77)	57.9 (152)
Bachelor's	73.8 (561)	38.4 (424)	67.6 (423)	61.0 (820)
Post Graduate	77.6 (272)	45.5 (176)	76.0 (175)	70.0 (373)

* (A) Primarily accountants, engineers, health professionals
(B) Primarily teachers, writers, artists, technicians

TABLE II

Person Correlation Coefficients
for Four Deminsions
of Decriminalization*

Decriminalization of	With Decriminalization of Abortion	Marijuana	Homosexuality
Pornography	0.1988(N=4473)	0.2395(N=4474)	0.2726(N=2989)
Abortion	-------	0.2500(N=4475)	0.2414(N=5991)
Marijuana	-------	-------	0.3436(N=2993)

*All coefficients are significant at the 0.001 level.

Table III

Opposition to Governmental Action by Decriminalization Score*

Decriminalization Score Category	Support Laws Making Interracial Marriage Illegal	Oppose Laws Making Interracial Marriage Illegal	(N)
(Lowest) 1st	29.3%	11.2%	(469)
2nd	35.9%	19.5%	(674)
3rd	23.4%	23.4%	(620)
4th	9.6%	26.0%	(535)
(Highest) 5th	1.9	20.0%	(356)

Pearson's R = 0.38595 p 0.001

Decriminalization Score Category	Prefer Laws Forcing Owner to Sell to Blacks	Prefer Laws Allowing Owner to Select Buyer	(N)
(Lowest) 1st	13.0	20.2	(471)
2nd	21.7	27.7	(678)
3rd	22.8	23.3	(620)
4th	22.3	19.2	(536)
(Highest) 5th	20.2	9.6	(353)

Pearson's R = 0.16141 p 0.001

Decriminalization Score is computed by adding together the individual for each of the four decriminalization issues (homosexuality, marijuana, pornography, abortion), and dividing by four. A high score indicates support for decriminalization, a low score indicates a preference to maintain criminal status for these issues.

"Undecided" respondents have been included in computing the correlations but omitted from the table.

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